PATENT

#11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):	Millard E. Sweatt et al.
APPLICATION NO.:	09/925,109
FILING DATE:	August 8, 2001
TITLE:	Method & System for Remote Television Replay Control
EXAMINER:	Not Yet Known
GROUP ART UNIT:	2152
ATTY. DKT. NO.:	22407-05391

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, D.C. 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.

Signature:	*[signature]*		
Typed or Printed Name:	Laura A. Majerus, Reg. No.: 33,417	Dated:	10/30/02
Express Mail Mailing Number *(optional)*:			

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PETITION UNDER 37 C.F.R. 1.53

SIR:

This is a Petition under 37 C.F.R. 1.53 to correct the filing date of the above-referenced utility patent application to reflect the correct filing date of August 8, 2001. Applicants attach as Exhibit A, a copy of the Filing Receipt dated January 18, 2002, indicating an incorrect filing date of August 9, 2001.

A copy of the "Express Mail" mailing label showing the "date-in stamp" is missing from Applicants' files and apparently was not returned to the file when the application was mailed. A copy of the non-dated Express Mail receipt No. EL566298331US is attached as Exhibit B. Accordingly, Applicants submit the USPS Shipping History obtained online at http://trkcnfrm1.smi.usps.com/netdata-cgi/db2www/cbd_243.d2w/detail for the corresponding

1

"Express Mail" mailing label to show the date of deposit of the above-referenced application as August 8, 2001. The Shipping History is attached as Exhibit C.

Applicants respectfully request that the filing date be corrected to August 8, 2001.

Respectfully submitted,

Dated: _Oct 30, 2002_   By: _Laura Majerus_

Laura A. Majerus, Reg. No.: 33,417
Fenwick & West LLP
Two Palo Alto Square
Palo Alto, CA 94306
Tel.: (415)875-2332
Fax.: (650) 494-1417

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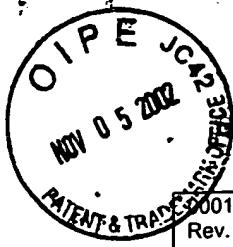
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2

2001/PTO Rev. 10/95	U.S. Department of Commerce Patent and Trademark Office	Application Number	09/925,109
TRANSMITTAL FORM *(to be used for all correspondence during pendency of filed application)*		Filing Date	**August 8, 2001**
		First Named Inventor	**Millard E. Sweatt III**
		Group Art Unit Number	**2152**
		Examiner Name	**Not Yet Known**
Total Number of Pages in This Submission	10	Attorney Docket Number	**22407-05391**

ENCLOSURES   *(check all that apply)*

☒ Fee Transmittal Form (in duplicate)	☐ Issue Fee Transmittal
☒ Check Enclosed	☐ Letter to Chief Draftsperson
☒ Return Receipt Postcard	☐ Formal Drawing(s):
☐ Response to Notice to File Missing Parts	[ ] Sheet(s) of Figure(s) [ ]
☐ Assignment & Recordation Cover Sheet	☐ Appeal Communication to Board of Appeals and
☐ Declaration	Interferences
☐ Power of Attorney	☐ Appeal Communication to Group
☐ Application Data Sheet	*(Appeal Notice, Brief, Reply Brief)*
☐ Information Disclosure Statement & PTO-1449	☐ Certified Copy of Priority Document(s)
☐ Copies of IDS Cited References	☐ After Allowance Communication to Group
☐ Request for Corrected Filing Receipt	☒ Petition Under 37 C.F.R. 1.53
☐ Request for Correction of Recorded Assignment	☒ Copy of Filing Receipt (Exhibit A)
☐ Amendment/Response: [ ] Page(s)	☒ Copy of Postcard and Express Mail Receipt (Exhibit A)
☐ After Final	☒ Copy of Express Mail (Exhibit B)
☐ Status Request	☐ _____
☐ Revocation and Substitute Power of Attorney	☐ _____

REMARKS:

SIGNATURE OF ATTORNEY OR AGENT

Signature:	*Laura Majus*		
Attorney/Reg. No.:	Laura A. Majerus, Reg. No. 33,417	Dated:	10/30/02

CERTIFICATE OF MAILING

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Signature:	*Laura Majus*		
Typed or Printed Name:	Laura A. Majerus	Dated:	10/30/02
Express Mail Mailing Number (*optional*):			

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PTO/SB/17 (10-01)(modified)
OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

00652/17(modified) Rev. 10/2001	U.S. Department of Commerce Patent and Trademark Office	**Complete if Known**	
		Application Number	09/925,109
FEE TRANSMITTAL		Filing Date	August 8, 2001
		First Named Inventor	Millard E. Sweatt III
TOTAL AMOUNT OF PAYMENT		Group Art Unit	2152
Subtotal (1) + Subtotal (2) + Subtotal (3) =	($)130.00	Examiner Name	Not Yet Known
		Attorney Docket Number	22407-05391

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METHOD OF PAYMENT

1. The Commissioner is hereby authorized to:

☐ Charge the indicated fees to the below mentioned deposit account.

☒ Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. †

☐ Applicant claims small entity status
See 37 CFR 1.27

Deposit Account Number: 19-2555
Deposit Account Name: FENWICK & WEST LLP

A Duplicate Copy of this authorization is attached

2. ☒ Payment Enclosed:
☒ Check ☐ Credit Card ☐ Other

FEE CALCULATION (fees effective 10/01/2001)

1. FILING FEE

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due
101/$740	201/$370	Utility Filing	
106/$330	206/$165	Design Filing	
108/$740	208/$370	Reissue	
114/$160	214/$80	Provisional Filing	

SUBTOTAL (1) ($) .00

2. CLAIMS

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description
103/$18	203/$9	Claims in excess of 20
102/$84	202/$42	Independent claims in excess of 3
104/$280	204/$140	Multiple dependent claim
109/$84	209/$42	Reissue independent claims over original patent
110/$18	210/$9	Reissue claims in excess of 20 and over original patent

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due
105/$130	205/$65	Surcharge - late filing fee or oath	
127/$50	227/$25	Surcharge-late provisional filing fee or cover sheet	
147/$2,520	147/$2,520	For filing a request for reexamination	
115/$110	215/$55	Extension for response within first month†	
116/$400	216/$200	Extension for response within second month†	
117/$920	217/$460	Extension for response within third month†	
118/$1,440	218/$720	Extension for response within fourth month†	
128/$1,960	228/$980	Extension for response within fifth month†	
119/$320	219/$160	Notice of Appeal	
141/$1,280	241/$640	Petition to revive unintentionally abandoned application	
142/$1,280	242/$640	Utility Issue Fee (Or Reissue)	
143/$460	243/$230	Design Issue Fee	
122/$130	122/$130	Petitions to the Commissioner	130
126/$180	126/$180	Submission of Information Disclosure Statement	
179/$740	279/$370	Request for Continued Examination (RCE)	
581/$40	581/$40	Recording each patent assignment per property (times number of properties)	
146/$740	246/$370	Filing a submission after final rejection (37 CFR 1.129(a))	
149/$740	249/$370	For each additional invention to be examined (37 CFR 1.129(b))	
		Other fee (specify):	
		Other fee (specify):	

SUBTOTAL (3) ($)130.00

	(Col. 1)		(Col. 2)	(Col. 3)			
For	No. of Existing Claims		Highest No. Previously Paid For	Extra**	Fee		Fee Due
TOTAL		minus*	20 or 0	=		x	=
INDEP		minus*	3 or 0	=		x	=
[ ] First presentation of multiple dependent claim						=	

* Subtract the greater number of Col. 2
** If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3

**SUBTOTAL (2)** ($).00

SUBMITTED BY			**Complete (if applicable)**	
Typed or Printed Name	Laura A. Majerus		Reg. Number	33,417
Signature	*Laura Maje*		Date	10/30/02

† Request for Extension of Time per 37 CFR 1.136 (a)(3) made hereby

22407/05391/SF/5086570.1
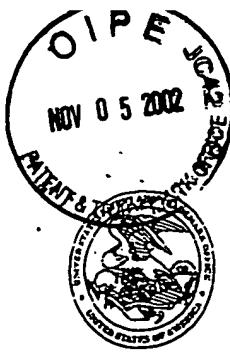
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WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/925,109	08/08/2001	2152	2262	22407-05391	34	59	12

CONFIRMATION NO. 2738

UPDATED FILING RECEIPT

00758
FENWICK & WEST LLP
TWO PALO ALTO SQUARE
PALO ALTO, CA 94306

COPY

OC000000007330546

Date Mailed: 01/18/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Millard E. Sweatt III, Menlo Park, CA;
Don Woodward, Los Altos, CA;
Chris E. Matichuk, San Jose, CA;
Gurminder Sunner, San Jose, CA;
Alain Regnier, Sunnyvale, CA;
Sunil Mohan, Los Gatos, CA;

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Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/223,856 08/08/2000
AND CLAIMS BENEFIT OF 60/248,313 11/14/2000
AND CLAIMS BENEFIT OF 60/258,937 12/29/2000
AND CLAIMS BENEFIT OF 60/258,940 12/29/2000

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Foreign Applications

If Required, Foreign Filing License Granted 09/12/2001

Projected Publication Date: 05/02/2002

Non-Publication Request: No

Early Publication Request: No

Title

Exhibit A

EL 566298331US

POST OFFICE TO ADDRESSEE

EXPRESS MAIL
UNITED STATES POSTAL SERVICE™

Mailing Label
Label 11-F July 1997

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CUSTOMER USE ONLY		
METHOD OF PAYMENT	X940154	

WAIVER OF SIGNATURE (Domestic Only): Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery

NO DELIVERY ☐ Weekend ☐ Holiday

Customer Signature

804, 5

F02
T12

FROM: (PLEASE PRINT) PHONE( )
Sze-Hang Lo, Esq.
FENWICK & WEST LLP
2 PALO ALTO SQ STE 800
PALO ALTO   CA 94306-2105

XXXXXXX 22407-05391 SHO/tmt 8/8/01

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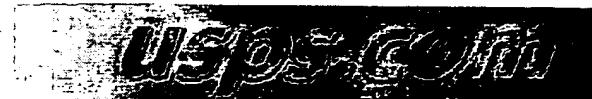
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Shipment History

You entered EL56 6298 331U S

Your item was delivered at 6:53am on August 10, 2001 in WASHINGTON, DC 20231 to PATENTS 20231. The item was signed for by D KIRKLAND.

Here is what happened earlier:

- ARRIVAL AT UNIT, August 10, 2001, 4:46am, ZIP Code 20096
- ENROUTE, August 09, 2001, 2:27pm
- ACCEPTANCE, August 08, 2001, 8:00pm, SAN FRANCISCO, CA 94128

Track & Confirm

Enter number from shipping rece the field below:

(

(*Request Delivery Record* >)

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Exhibit C